

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHEPARD JOHNSON,

Plaintiff,

No. CIV S-10-1968 GEB GGH PS

vs.

CHESTER MITCHELL, et al.,

ORDER

Defendants.

Presently noticed for hearing on March 3, 2011, are three motions to set aside entries of default, filed by defendants Catherine Mitchell, Chester Mitchell, and David Miner. Review of the filings submitted thus far indicates that oral argument is unnecessary. Therefore, the hearing on these motions will be vacated and the motions will taken under submission after all briefing has been submitted. These matters will not be decided, however, until after the trustee's motions to intervene and dismiss have been determined.

Plaintiff's request for extension of time to file motions for default judgment will be denied as any such motions are premature.

Accordingly, IT IS ORDERED that:

1. The March 3, 2011 hearing on motions to set aside entry of default, filed by

1 defendants Catherine Mitchell, Chester Mitchell, and David Miner on January 18, 2011 (dkt. #s  
2 36, 38 and 39), is vacated. The motions shall be submitted for decision without oral argument  
3 after all briefing has been filed.

4 2. Plaintiff's request for extension of time in which to file motions for default  
5 judgments, filed January 13, 2011, (dkt. # 31), is denied without prejudice. Plaintiff shall not file  
6 any motions for default judgment until after the motions to intervene and dismiss have been  
7 decided, and until after defendants' motions to set aside entry of default have been decided.

8 DATED: February 7, 2011

/s/ Gregory G. Hollows

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10 GREGORY G. HOLLOWS  
U. S. MAGISTRATE JUDGE

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